



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,170	03/19/2004	Nathan T. Czyzewski	5793.3143-00	7400
22852	7590	02/21/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER FIELDS, BENJAMIN S	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 02/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/804,170	Applicant(s) CZYZEWSKI ET AL.	
	Examiner BENJAMIN S. FIELDS	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>19 March 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Musselwhite et al. (US PG Pub. No. 2003/0097270), [hereinafter Musselwhite].

Referring to Claim 1: Musselwhite shows a method of managing a financial account comprising: defining at least one condition for the financial account; defining first and second account parameters, wherein the first account parameter is associated with the condition (Musselwhite: Abstract; Page 3, Paragraphs 0030-0032; Page 5, Paragraphs 0044-0045; Claim 1); determining whether transactions associated with the financial account satisfy the condition (Musselwhite: Abstract; Page 3, Paragraphs 0030-0032; Page 5, Paragraphs 0044-0045; Claim 1); processing transactions that satisfy the condition based on the first account parameter; and processing other transactions based on the second account parameter (Musselwhite: Abstract; Page 3, Paragraphs 0030-0032; Page 5, Paragraphs 0044-0045; Claim 1).

Referring to Claim 2: Musselwhite discusses a method, wherein the condition and transactions each comprise at least one attribute, the attribute comprising an

attribute class and an attribute value (Musselwhite: Abstract; Page 3, Paragraphs 0030-0031).

Referring to Claim 3: Musselwhite teaches a method, wherein the financial account is a credit card account (Musselwhite: Claim 3).

Referring to Claim 4: Musselwhite discloses a method, wherein the first and second account parameters are a first and a second interest rate, respectively, wherein the first interest rate is lower than the second interest rate (Musselwhite: Abstract; Page 1, Paragraph 0011; Page 2, Paragraphs 0022-0023; Page 4, Paragraph 0039; Claim 4,12).

Referring to Claim 5: Musselwhite shows a method, wherein the first and second account parameters are a first and a second interest rate, respectively, wherein the first interest rate is higher than the second interest rate (Musselwhite: Abstract; Page 1, Paragraph 0011; Page 2, Paragraphs 0022-0023; Page 4, Paragraph 0039; Claim 4,12).

Referring to Claim 6: Musselwhite teaches a method, wherein defining first and second account parameters further comprises: defining at least one account parameter with at least one account parameter type and at least one account parameter time period, wherein the account parameter time period is associated with the account parameter type (Musselwhite: Abstract; Claims 1-3, 13).

Referring to Claim 7: Musselwhite discusses a method further comprising: determining whether any transactions processed using the first account parameter in a previous billing cycle are associated with an account parameter time period that will

expire during a next billing cycle (Musselwhite: Figure 7; Page 7, Paragraph 0057, 0061, 0062; Claim 2,13); and providing a financial account holder with a notification stating that the account parameter time period associated with the transaction will end during the next billing cycle based on the determining step (Musselwhite: Figure 7; Page 7, Paragraph 0057, 0061, 0062; Claim 2,13).

Referring to Claim 8: Musselwhite shows a method further comprising:
determining whether any transactions processed using the first account parameter in a previous billing cycle are associated with an account parameter time period that expired at the end of the previous billing cycle (Musselwhite: Figure 7; Page 7, Paragraphs 0057-0063; Claim 13); and processing all transactions associated with the account parameter time period that expired at the end of the previous billing cycle with the second account parameter (Musselwhite: Figure 7; Page 7, Paragraphs 0057-0063; Claim 13).

Referring to Claim 9: Claim 9 parallels the limitations of Claim 8. As such, Claim 9 is rejected under the same basis as is Claim 8 as mentioned supra.

Referring to Claim 10: Claim 10 reflects the limitations of Claim 9. As such, Claim 10 is rejected under the same basis as is Claim 9 as mentioned supra.

Referring to Claim 11: Claim 11 parallels the limitations of Claims 6 and 10. As such, Claim 11 is rejected under the same basis as are Claims 6 and 10 as mentioned supra.

Referring to Claim 12: Musselwhite teaches a method further comprising:
generating a billing statement reflecting an amount to be paid by a financial account

holder based on at least the first and second account parameters (Musselwhite: Claims 1-4).

Referring to Claim 13: Musselwhite discloses a method, wherein the class is at least one of: a merchant name; a merchant type; a merchant location; a transaction date; a transaction time; and a transaction amount (Musselwhite: Abstract; Page 3, Paragraphs 0030-0031).

Referring to Claim 14: Musselwhite teaches a method, wherein defining at least one condition for the financial account further comprises: choosing the attribute class of the attribute; choosing the attribute value of the attribute; and setting the attribute class to either equal or be greater than the attribute value (Musselwhite: Abstract; Figures 1-4; Claims 1-4).

Referring to Claim 15: Musselwhite shows a method, wherein determining whether transactions associated with the financial account satisfy the condition further comprises: comparing each attribute of each transaction with each attribute of the condition (Musselwhite: Abstract; Figures 1-4; Claims 1-4); and determining whether any attribute of the transaction satisfies each attribute of the condition (Musselwhite: Abstract; Figures 1-4; Claims 1-4).

Referring to Claim 16: Musselwhite teaches a method, wherein the account parameter type is at least one of: an interest rate; a finance charge waiver period; a monthly payment waiver period; and a payment allocation (Musselwhite: Claim 2, 4, 12-13).

Referring to Claim 17: Musselwhite discloses a method further comprising:
applying the account parameter to transactions that satisfy the condition associated with
the account parameter (Musselwhite: Abstract; Figures 1-4; Claims 1-4).

Referring to Claim 18: Musselwhite shows a method, wherein the account
parameter time period comprises more than one billing cycle (Musselwhite: Claims 1-
12).

Referring to Claim 19: Musselwhite discusses a method further comprising:
comparing the transaction attribute class with the condition attribute class; determining
whether the transaction attribute class matches any condition attribute class; and
comparing the transaction attribute value with the condition attribute value based on the
determining step (Musselwhite: Abstract; Figures 1-4; Claims 1-4).

Referring to Claims 20-38: Claims 20-38 are the system for the method of Claims
1-19. As such, Claims 20-38 are rejected under the same basis as are Claims 1-19 as
mentioned supra.

Referring to Claims 39-57: Claims 39-57 are directed towards a computer
program product comprising a computer-readable medium for performing the method
disclosed in Claims 1-19. As such, Claims 39-57 are rejected under the same basis as
are Claims 1-19 as mentioned supra.

Referring to Claim 58: Claim 58 reflects the limitations of Claims 2 and 14. As
such, Claim 58 is rejected under the same basis as are Claims 2 and 14 as mentioned
supra.

Referring to Claim 59: Musselwhite teaches a method of defining an account parameter for a financial account, wherein the account parameter is associated with a condition, comprising: determining a type of account parameter to associate with the condition; selecting a time period to associate with the type of account parameter; and assigning the account parameter to the condition (Musselwhite: Abstract; Claims 1-12).

Referring to Claim 60: Musselwhite discusses a method of managing a financial account, wherein the financial account is associated with at least one condition, the condition comprising at least one attribute, comprising: collecting transaction information from a financial account user, wherein the transaction comprises at least one attribute; comparing each attribute of each transaction with each attribute of the condition; determining whether any attribute of the transaction satisfies each attribute of the condition; and processing the transaction with an account parameter based on the determining step (Musselwhite: Abstract; Claims 1-12).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hucal (US Pat. No. 5,933,817) teaches a tiered interest rate revolving credit system and method.

Warren et al. (US PG Pub. No. 2003/0101131) discuss a system and method for establishing or modifying an account with user selectable terms.

Application/Control Number:
10/804,170
Art Unit: 3692

Page 8


McDonald et al. (US Pat. No. 7,107,243) show a system and method for automated bill payment service.

Any inquiry concerning this communication should be directed to Benjamin S. Fields at telephone number 571.272.9734. The examiner can normally be reached Monday through Thursday, 9am to 7pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields

8 January 2008


FRANTZY POINVIL
PRIMARY EXAMINER
